

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**
Criminal No.: 21-cr-108 (PAM/TNL) (3)

UNITED STATES OF AMERICA,)	
)	
	Plaintiff,	
vs.)	DEFENDANT’S PROPOSED VOIR
)	DIRE
J ALEXANDER KUENG,)	
)	
	Defendant.	
)	
)	

The defendant, J. Alexander Kueng, by and through his attorney, requests that among the questions asked potential jurors, the Court include the following:

BASIC BACKGROUND

1. Name?
 - a. Where were you born and raised?
2. Where do you currently live (address)?
3. How old are you?
4. What is your current marital status?
 - a. If you have a spouse or partner, what is his/her employment? How long?
5. Do you have any children?

If YES:

- a. How old are they?
 - b. How many live at home?
 - c. What is their employment, if any?
6. If currently employed:
- a. What is your profession?
 - b. Who is your employer?
 - c. How long?
 - i. If retired, what was your occupation before retiring?
7. What is your educational background?
8. If more than high school, what did you study? When? Where?
9. What organizations do you belong to?
10. Do you have any religious or philosophical convictions which would make it difficult for you to be an absolutely fair and neutral juror in this case?
11. Do you have any mental or physical condition which would make it difficult for you to sit as a juror?

LEGAL EXPERIENCE

12. Do you have any legal training?
13. Have you taken any law courses?
14. Do you have friends, relatives, neighbors, or acquaintances who are lawyers, judges or are employed in any other job within the legal profession?

CRIME

15. Have you or any friends, relatives, neighbors, or acquaintances ever been victims of a crime?

If YES, please describe:

- a. Would your judgment in this case be affected in any way by that experience?

16. Have you ever been a witness to a crime, or been questioned by a police officer about a crime?

If YES, please describe:

17. Have you ever filed a complaint against someone with the police?

If YES, please describe:

18. Have you or any of your friends, relatives, neighbors, or acquaintances ever been accused, investigated, charged with, or convicted of a crime?

If YES, please describe:

- a. Do you feel that it was not handled as it should have been?

19. Have you ever had to *appear in court* or in any court proceeding in a case as a plaintiff, defendant, victim, or witness?

PREVIOUS CONTACT WITH LAW ENFORCEMENT

20. Have you or any relatives, friends, neighbors, or acquaintances ever been involved in law enforcement, such as police officer, deputy sheriff, federal agent, or prosecutor?

If YES, is there anything about your experience, or your relationship or discussions with these other people that would affect your approach to this case?

21. Have you ever been involved in a Neighborhood Crime Watch program?

If YES, as part of that program, have you had any contact with the police?

22. Do you believe law enforcement agents are more honest or trustworthy than other people?

23. Would you be more likely to believe the testimony of a law enforcement agent simply because he or she is a law enforcement agent?

PREVIOUS JURY SERVICE

24. Have you ever served on any of the following types of juries before?

Criminal Trial?

When (year or years)?

What were the charges?

Was it state or federal court?

Was a verdict reached in all of the cases?

If NO, what was the reason that a verdict was not reached?

Civil Trial?

When (year or years)?

What kind of case?

Was it state or federal court?

Was a verdict reached in all of the cases?

If NO, what was the reason that a verdict was not reached?

Grand Jury?

What court?

25. How did you feel about your jury service? Was there anything about your previous jury experience that would lead you to feel that you may have some prejudices either for or against the prosecution or the defense?

MENTAL ILLNESS

26. Does anyone have experience in diagnosis or treatment of mental illness?
27. Do you have a close friend or family member that suffers from a diagnosed mental illness?
28. Do you have a close friend or family member that you believe has an undiagnosed mental illness?

IMPLICIT BIAS

29. Members of the Jury, despite the many differences in our lives and backgrounds, we all want to see ourselves as fair, equitable and rational human beings, yet studies show that despite our best intentions none of us are free from bias. Implicit racial bias refers to unconsciously held biases that do not necessarily reflect our conscious beliefs. Because implicit bias is subconscious, even people who consciously abhor discrimination can unconsciously be influenced by implicit bias. Implicit bias is developed over the course of a lifetime through exposure to direct and indirect messages. Studies show that implicit bias can affect how we all make

important decisions in our lives. Please keep that in mind as you answer the following questions.

- a. Is there anyone here that believes that they DO NOT harbor any implicit bias?
- b. If you hear a voice on the telephone, do you ever make an assumption about the speaker's race even though you can't see them?
- c. Based on that assumption do you ever find yourself treating that person in a way that is unique to their race?
- d. Are there any of you who believe that a White person is more likely to be telling the truth than a Black person?
- e. Can you be fair in a case where a Black man is accused of assaulting a White woman?
- f. Would you consider the race or heritage of J. Alexander Kueng in your evaluation of this case?
- g. Would you consider the race or gender of the Federal Officer in your evaluation of the case?
- h. Has anyone ever taken a moment to consider if they subconsciously believe Black persons are violence prone? Not whether you actually believe it to be true, but considered it?

PARTICIPANTS IN CASE

- 30. Do you know the defendant, J. Alexander Kueng?
- 31. Do you know any of the other prospective jurors?

32. The prosecution is represented by a large number of attorneys. Do you know them? Do you know anyone from the United States Attorney's office?
33. What is the first thing you think of when you hear the words United States Attorney?
34. This case was investigated by the Federal Bureau of Investigation (FBI). Do you know any of the agents listed on this case?
35. What is the first thing you think of when you hear the word FBI?
36. Mr. Kueng is represented by Tom Plunkett. Do you know him?
37. Do you know or recognize any of the potential witnesses?
38. Several of the witnesses in this trial are likely to be law enforcement officers. Does any juror have strong prejudices either against or in favor of law enforcement officers?

BASIC QUESTIONS

39. Have you ever been mistaken about something? Please raise your hand if you don't believe you have never made a mistake?
40. If selected as a juror on this case, will you base your decision as to the defendant's guilt or innocence entirely upon the evidence presented to you during trial?
41. Is there anything about the character or nature of this case which causes you to have any feelings of prejudice or sympathy one way or the other?

42. Is there anything else the Court should know about you that may impact your ability to be a fair and impartial juror in this case?

FOLLOWING INSTRUCTIONS

43. Will you follow the Court's instructions to the jury strictly, whether you agree or disagree with them?
44. Do you understand and agree that the burden of proof is exclusively on the government and that evidence must show guilt beyond a reasonable doubt or you must find the defendant not guilty?
- a. Is there anyone that thinks that is unfair?
 - b. Does everyone agree they should not find a person guilty if the government has not proven all of the facts by proof beyond a reasonable doubt?
45. Do you understand and agree with the principle that the defendant is presumed innocent, and that the presumption is sufficient to require a verdict of not guilty unless it is overcome by proof beyond a reasonable doubt?
46. Do you agree you should find J. Alexander Kueng not guilty if the government does not prove their case beyond a reasonable doubt?
47. Do you understand and agree with the principle that in a criminal case the defendant has absolutely no obligation to produce any evidence, to prove his innocence, to testify, or to satisfy any burden of proof?

48. Do you understand that the fact that an Indictment has been filed in this case is not evidence whatsoever of the guilt of the J. Alexander Kueng?
49. Do you understand that because an Indictment has been filed, no inference of guilty may be drawn from the accusation?
50. Do you have any disagreement about the operation of the criminal justice system in the United States?
51. If selected as a juror in this case, will you apply the law given by the Court, regardless of whether you agree or disagree with it?

Respectfully submitted,

Dated: January 6, 2022

/s/ Thomas C. Plunkett

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